

1 COOLEY GODWARD KRONISH LLP  
2 MICHAEL G. RHODES (116127)  
(rhodesmg@cooley.com)  
3 MATTHEW D. BROWN (196972)  
(brownmd@cooley.com)  
4 BENJAMIN KLEINE (257225)  
(bkleine@cooley.com)  
5 101 California Street  
5th Floor  
6 San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222  
7

8 COOLEY GODWARD KRONISH LLP  
9 SARAH R. BOOT (253658)  
(sboot@cooley.com)  
4401 Eastgate Mall  
10 San Diego, CA 92121-1909  
Telephone: (858) 550-6000  
Facsimile: (858) 550-6420  
11

12 Attorneys for Defendant  
YELP! INC.

13  
14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 CATS AND DOGS ANIMAL  
HOSPITAL, INC., et al., on behalf of  
18 itself and all others similarly situated,

19 Plaintiffs,

20 v.

21 YELP! INC.,

22 Defendant.

Case No. CV 10-01340 VBF(SSx)

DEFENDANT YELP! INC.'S NOTICE  
OF MOTION AND MOTION TO  
DISMISS PLAINTIFFS' FIRST  
AMENDED COMPLAINT

Hearing Date: May 3, 2010

Hearing Time: 1:30 p.m.

Judge: Hon. Valerie Baker Fairbank

**NOTICE OF MOTION AND MOTION TO DISMISS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THIS MATTER:

PLEASE TAKE NOTICE that on May 3, 2010 at 1:30 p.m., or as soon thereafter as the matter may be heard, pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Yelp! Inc. (“Yelp”) will and hereby does move this Court, the Honorable Valerie Baker Fairbank presiding, for an order dismissing with prejudice the First Amended Complaint filed by Plaintiffs in the above-captioned action.

This motion is based on this Notice, the accompanying memorandum of points and authorities, on all other pleadings and papers on file in the above-captioned action, and on such oral and documentary evidence and argument as may be presented at the time of hearing.

This motion is made following the conference of counsel pursuant to Civil Local Rule 7-3. Yelp's counsel contacted Plaintiffs' counsel at both The Weston Firm and Beck & Lee Business Trial Lawyers via telephone on March 26, 2010 and left voicemail messages at both firms to confer regarding this motion. Having not heard back from Plaintiffs' counsel, Yelp's counsel again contacted Plaintiffs' counsel, via e-mail message, on the morning of March 30, 2010. Yelp's counsel and Plaintiffs' counsel conferred via telephone on March 30, 2010.

Dated: April 1, 2010

COOLEY GODWARD KRONISH LLP  
MICHAEL G. RHODES (116127)  
MATTHEW D. BROWN (196972)  
BENJAMIN KLEINE (257225)  
SARAH R. BOOT (253658)

/s/ Matthew D. Brown  
Matthew D. Brown (196972)  
Attorneys for Defendant  
YELP! INC.